



## CONRAD 30/J-1 VISA WAIVER PROGRAM Florida Department of Health Sponsorship Guidelines 2019-2020

### The Conrad 30/J-1 Waiver Program in Florida

The goal of the Conrad 30/J-1 Visa Waiver Program is to improve access to qualified physicians within federally designated Health Professional Shortage Areas (HPSAs).

The Conrad 30/J-1 Visa Waiver Program is based on a legally binding, three-year mutual commitment by a foreign physician **and** an employer.

Applicants must obtain the sponsorship of a state health department when applying to the U.S. Department of State (USDOS) and the U.S. Citizenship and Immigration Services (USCIS). In Florida, that sponsorship is administered through the Florida Department of Health's (Department) Primary Care Office (PCO).

The Department will accept applications beginning at 8:00 a.m. EDT on Monday, October 7, 2019, through Friday, October 18, 2019, at 5 p.m. The Department will only accept applications during this time period.

The Department's participation is voluntary. Submission of a waiver application package does not ensure that the Department will sponsor that physician for a waiver. In all instances, the Department reserves the right to sponsor or decline any request for a waiver.

The Department's sponsorship process is based on the eligibility requirements of the USDOS and the USCIS and 8 U.S. Code §1184(l)(1)(C)(ii). Applicants must meet the eligibility requirements listed in the USCIS link immediately below to be considered for sponsorship.

Websites:

<https://www.uscis.gov/working-united-states/students-and-exchange-visitors/conrad-30-waiver-program>  
<https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor/eligibility.html>

### Applicants

- Must agree to be employed full-time (40 hours per week of direct patient care) in H-1B nonimmigrant status at a health care facility located in an area designated by U.S. Department of Health and Human Services (HHS) in a Health Professional Shortage Area (HPSA), for at least three (3) years after their waiver is approved by the USCIS.
- Must obtain an employment contract from the employer/health care facility where they are to be employed. Employment Contracts must include:
  - signatures of both the physician and employer (head of facility),
  - minimum of 40 hours per week of direct patient care,
  - specific contract length, which at a minimum, must be for three years, and
  - a statement that physician "agrees to begin employment at the health care facility within 90 days of receipt of the waiver, not the date his or her J-1 visa expires, and continues to work for a total of not less than three (3) years after the approval is granted." (<https://www.uscis.gov/working-united-states/students-and-exchange-visitors/conrad-30-waiver-program>) 8 U.S. Code §1184(l)(1)(C)(ii).
- Must obtain a "no objection" letter from his or her home country if the home government funded his or her exchange program.
- Must begin employment at the health care facility/employer within 90 days of receipt of the waiver.

- Should include all site locations on the application that are found or mentioned in the contract.
- A physician's application where any/all of the practice site locations are not located in a HPSA are considered a FLEX Waiver. There is a federally mandated limit of 10 FLEX Waivers per state. The physician must include in the application packet the employer's proof that the physician will serve medically underserved patients (8 U.S. Code §1184(l) (1)(D)(ii)).

### **Employers**

- Must provide an employment contract/agreement between the employer and the physician. Employment Contracts must include:
  - signatures of both the physician and employer (head of facility),
  - minimum of 40 hours per week of direct patient care
  - a specified term of employment (contract length), which cannot be less than three years, and
  - a statement that physician "agrees to begin employment at the health care facility within 90 days of receipt of the waiver, not the date his or her J-1 visa expires, and continues to work for a total of not less than three (3) years after the approval is granted." (<https://www.uscis.gov/working-united-states/students-and-exchange-visitors/conrad-30-waiver-program>) 8 U.S. Code §1184(l)(1)(C)(ii).  
[Do not add any caveats or make alterations to this language.]
- Recommended Items to be Included in Employment Contracts (Not Mandatory)
  - Address of all practice locations
  - HPSA name and ID number for all practice locations
  - Direct patient care hours per week per location
- When the employer's site location(s) are not located in a HPSA, the physician's application is considered a FLEX Waiver. There is a federally mandated limited of 10 FLEX Waivers per state. The employer must show proof that the physician will serve medically underserved patients (8 U.S. Code §1184(l) (1)(D)(ii))
- It is recommended, but not mandatory, that employment contracts do not include non-compete clauses.
- It is recommended, but not mandatory, that employment contracts do not include termination without cause clauses.

### **Application Packet Submission Procedure**

- The submitted application must include all required documentation (see Required Application Document Section below).
- Every field of the Florida Conrad 30/J-1 Visa Waiver Program Application must be completed.
- It is recommended, but not mandatory, that the applicant's USDOS case number be on the bottom right of each document to assure accurate review and processing at the USDOS and the USCIS.
- It is recommended, but not mandatory, that each application include a table of contents and 8½" x 11" section dividers to assure accurate review and processing at the USDOS and the USCIS.
- Applications will only be accepted by mail to the following address:

The Florida Department of Health  
Division of Public Health Statistics and Performance Management  
State Primary Care Office  
4052 Bald Cypress Way Bin #A05  
Tallahassee, Florida 32399-1720

### **Required Application Documents**

1. Florida Conrad 30/J-1 Visa Waiver Program Application
2. Practice Facility Letter  
A letter from the practice facility that indicates a commitment to hire the physician.
3. Employment Contract
4. Evidence of Shortage Designation Status  
A copy of the HRSA "[Find Shortage Areas: HPSA & MUA/P by Address](#)" query result for each practice site location.
5. Physician's Curriculum Vitae
6. Form DS-3035  
USDOS J-1 Visa Waiver Sponsorship Application, including the bar code sheet
7. DS-2019/IAP-66 Forms  
Copies of the Certificate of Eligibility for Exchange Visitor J-1 Status for all years the physician was in J-1 status.
8. Form G-28  
A copy of the Notice of Entry of Appearance as Attorney or Accredited Representative, or letterhead from law office, if an attorney represents the applicant. If this is not applicable, insert page stating such.

### **Application Processing**

The Department will review each application to ensure it is complete and that the applicant meets the federal eligibility standards listed above. A complete application includes: the Department application with all fields entered correctly and an original signature; and required application documents listed in the Required Application Documents section on pg. 2.

The Department will only accept applications submitted on the 2019-2020 application form. Previous years' forms will not be processed.

The Department will sponsor up to 30 application packets filed timely which are complete and meet the federal eligibility requirements. If the Department receives more than 30 application packets which are complete and meet the federal eligibility requirements, it will use a lottery process to select 30 for sponsorship.

The Department will send the final 30 sponsored applications for sponsorship to the USDOS by certified mail.

The Department will notify applicants by email of their sponsorship status once the final 30 slots have been filled.

The USDOS and the USCIS will notify sponsored applicants of their approval or denial typically by the end of June. The Department's sponsorship does not guarantee a recommendation by the USDOS or approval by the USCIS.

### **Additional Information, Resources and Links**

For information regarding the J-1 Visa, visit: [USDOS J-1 Visa](#)

For information regarding the USDOS application instructions, visit: [USDOS](#)

For information regarding health professional shortage areas, visit the [Health Resources and Services Administration \(HRSA\) Shortage Designation website](#).